



**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ENTERED
10/02/2009**

In re:	§
	§ Chapter 11
PS AMERICA, INC.,	§
	§ Case No. 09-37209 (MI)
Debtor.	§

**ORDER PURSUANT TO SECTION 105(a), 363(c), 1107(a),
AND 1108 OF THE BANKRUPTCY CODE AUTHORIZING THE
DEBTOR TO HONOR CERTAIN PREPETITION OBLIGATIONS TO
CUSTOMERS AND TO OTHERWISE CONTINUE CERTAIN CUSTOMER
PRACTICES AND PROGRAMS IN THE ORDINARY COURSE OF BUSINESS**

[Relates to Docket No. 11]

The Court has considered the *Emergency Motion for Entry of an Order Pursuant to Section 105(a), 363(c), 1107(a), and 1108 of the Bankruptcy Code Authorizing the Debtor to Honor Certain Prepetition Obligations to Customers and to Otherwise Continue Certain Customer Practices and Programs in the Ordinary Course of Business* (the “Motion”)¹ of PS America, Inc., the debtor and debtor in possession in the above-captioned chapter 11 case (the “Debtor”), for entry of an order (the “Order”) pursuant to sections 105(a) and 507(a)(7) of title 11 of the United States Code (the “Bankruptcy Code”), authorizing the Debtor to honor certain Customer Satisfaction Programs and to continue its Credit Card Transactions and the NCT Check Processing. The Court finds that (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. § 1334(b), (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), (c) the relief requested in the Motion is in the best interests of the Debtor and its estate, creditors, and equity security holders, (d) proper and adequate notice of the Motion and hearing thereon has been given and that no other or further notice is necessary, (e) the

¹ Unless otherwise defined herein, capitalized terms shall have the same meaning ascribed to them in the Motion.

relief granted herein is necessary to avoid immediate and irreparable harm to this estate, and (f) good and sufficient cause exists for granting the relief requested in the Motion, after due deliberation upon the Motion and all proceedings before the Court in connection with the Motion. Therefore, it is,

ORDERED that the Motion is **GRANTED**. It is further

ORDERED that the Debtor is authorized, as may be appropriate in its sole discretion, to honor Customer Satisfaction Programs, without regard to whether the Debtor's obligations under any such Customer Satisfaction Programs which arose before or after the Petition Date. It is further

ORDERED that the Debtor is authorized, as may be appropriate in its sole discretion, to continue its Credit Card Transactions. It is further

ORDERED that the Debtor is authorized, as may be appropriate in its sole discretion to continue to utilize the NCT Check Processing services. It is further

ORDERED that the relief granted herein shall not constitute or be deemed to be an assumption or an authorization to assume, pursuant to section 365 of the Bankruptcy Code, any executory contract or unexpired lease to which the Debtor is a party. It is further

ORDERED that this Court shall retain jurisdiction over all matters arising from or relating to the interpretation and implementation of this Order.

Dated: 10/2, 2009



UNITED STATES BANKRUPTCY JUDGE